

Remarks:**I. Objections and Suggestions**

It is not a statutory requirement to indicate a “first time” be an earlier time than a “second time” in the claims. In new independent claims 29, 45, and 46, language has been amended such that “first time” and “second time” is consistent with specification and no longer would require changes in the specification. The phrase “said first time is later in time than said second time” clarifies this.

II. Rejections Under U.S.C. §112

In new claims 29 and 45 “determining of a second time” has been removed. The word “calculating” has been removed, and the phrases “interest rate” and “interest type” has been added. These claims have been narrowed considerably in order to overcome assertions of being vague and indefinite.

III. Rejections Under U.S.C. §101

The act of “updating a customer account balance” does provide a tangible, useful, and concrete result to the customer of the account.

IV. Rejections Under U.S.C. §102

The definition of “interest” has been amended in paragraph 38 in order for a narrower interpretation of the independent claims making Hunter, Tripp, and Paulsen, Nabham, Immel, and James moot.

V. Rejections Under U.S.C. §103

The definition of “interest” has been amended in paragraph 38 in order for a narrower interpretation of the independent claims making Smith, Burroughs, Hopkins, Kidwell, Kirby and Marchant moot.

VI. Rejection of Claims 6,7, 8, 18, 25-28 Under 35 U.S.C. §103 as being anticipated by Savage

Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Applicant can understand how bonus points (Biffar) can be used to improve one multi-itemed statement (Savage). However, Examiner further references Trivedi (7054688 at least col 6) and implies

Trivedi teaches generating a non-monetary interest. A keyword search was performed on the full-text of Trivedi and there is not even a single match to the keyword "INTEREST". Trivedi does not teach interest and at best implies providing different levels of bonus based on different times of the day or week in accordance with rating rules or plans.

Examiner also references Iannacci (20020062249) is limited to teaching an incentive award and value exchange program where all non-monetary rewards are calculated from **cash amounts** only. No where does Iannacci teach calculating a non-monetary reward based upon a non-monetary balance. Further Iannacci is limited to teaching calculating a non-monetary reward as simply a ratio of a monetary purchase irrespective of when the purchase was made or when the award was calculated.

Examiner also references the use of Excel spreadsheet, as simply a means for performing a calculation. One could reference a calculator, computer, or an abacus for that matter. Access to excel spreadsheet by itself does not provide the know-how of what and how to perform a specific non-monetary calculation in a specific manner.

VII. Conclusion

For all of the above reasons, the present application and pending claims 5-28, as amended, are believed to be in condition for allowance. Applicant respectfully requests the Examiner withdraw all objections and rejections, and issue a formal Notice of Allowance directed to claims 5-28, inclusive.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact the Applicant at the telephone number listed below.

Respectfully submitted,



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Eric Schneider

pro se Applicant

1730 South Federal Hwy #104

Delray Beach, FL 33483

(561) 542-7541 - telephone